

December 15, 2014

VIA ECF

Honorable Kimba M. Wood
United States District Judge
United States Courthouse
500 Pearl Street, Room 18B
New York, New York 10007

Re: *Gulino v. Board of Education*, 96-CV-08414 (KMW)

Dear Judge Wood:

Pursuant to the Court's direction, the plaintiffs and Defendant Board of Education of the City School District of the City of New York ("BOE") jointly submit this week's case-status letter.

1) Update on Work of the Court-Appointed Test Validation Expert

There are currently no outstanding discovery requests from the Court-appointed test validation expert Dr. James Outtz. Dr. Outtz has informed the parties that he expects to complete his report on the validity of the LAST-2 by December 31, 2014.

2) Relief-Phase/Update on Work of the Special Master

As noted in previous status letters, the plaintiffs have made several requests that the BOE produce W2 information for class members and non-class members, to inform the model for calculating backpay awards. On December 8, 2014, Court-appointed Special Master John Siffert directed the BOE to produce this information by January 2, 2015.

On November 12, 2014, the plaintiffs deposed James Sarker, a Rule 30(b)(6) representative of the Teachers' Retirement System of the City of New York ("TRS"). On November 17, 2014, the plaintiffs served a subpoena *duces tecum* on TRS requesting certain information described at the deposition. On December 9, 2014, at the Special Master's direction, the plaintiffs proposed to the BOE a streamlined method for TRS to produce this information.

During Mr. Sarker's deposition, he testified that the BOE makes monthly productions of payroll and service information regarding teachers to TRS. On December 4, 2014, the plaintiffs requested that the BOE produce by December 8, 2014, the most recent production of this information to TRS, and that it produce by December 15, 2014 all payroll information it had provided to TRS since 1993. On December 11, 2014, the BOE reported that it was attempting to determine how to convert its productions to TRS into a format that the plaintiffs could use.

On November 19, 2014, the plaintiffs served the United Federation of Teachers ("UFT") with a subpoena for documents relating to the benefits available to teachers employed by the BOE. On December 10, 2014, UFT produced documents in response to this request.

Pursuant to the Special Master's direction, the parties' experts are scheduled to discuss their respective damages models on December 18, 2014.

On December 8, 2014, the Special Master gave the parties a draft timeline for individual claims hearings, and draft requirements for prehearing submissions. At the Special Master's direction, the parties are submitting a joint response to this draft plan today. The parties are scheduled to meet with the Special Master on December 17, 2014, to discuss the plan for hearings, as well as the status of relief-phase discovery and claim-form administration.

3) Claim Forms

On September 30, 2014, Court-appointed claims administrator Garden City Group, Inc. ("GCG") mailed claim forms to 15,567 potential claimants and made forms available on www.gulinolitigation.com. As of today, GCG has received 2,102 claim forms.

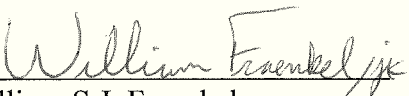
On November 14, 2014, GCG sent a postcard to class members who had received mail notice but had not yet returned a claim form, reminding them that the claim-form deadline is December 31, 2014.

On December 11, 2014, GCG mailed claim forms to 974 additional potential class members who should have been included in the original claim-form mailing, but appear to have been inadvertently omitted. The deadline for these forms to be returned is February 9, 2015.

By the end of this week, GCG is expected to mail letters to individuals who have returned incomplete claim forms, notifying them that additional information was necessary to process their forms. GCG is then expected to send deficiency letters on a weekly basis in response to additional incomplete claim forms it receives. Each recipient of a deficiency letter will have 45 days from the date of the letter to complete his or her claim form.

The parties are available to the Court should Your Honor have any questions.

Respectfully submitted,


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